Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date: 11/21/09	Bureau/Station/Facility: East Los Angeles Station	Admin. Invest.? ☐	Hit? ☐

Incident Information

URN: 609-13703-0272-091	Date: 11/21/09 Time: 1330
City or Station: East Los Angeles Station	Nature of Incident: Non-hit shootings
Location: N/B 710 Freeway on ramp at Washington Blvd and W/B 60 freeway off ramp at 3rd St/Downey Rd.	

Location Type (*circle one or more*): Backyard, Beach, Business, **Freeway** (circled), Industrial, Park, Parking Lot, Residence, Rural, School, Street, Other: ______

Lighting (*circle only one*): Darkness, **Daylight** (circled), Other, Street Lights

Weather (*circle only one*): **Clear** (circled), Cloudy, Fog, Rain

Distance:

Incident Type (*circle one or more*): Accidental, Armed Person, Fleeing Suspect, Foot Pursuit, Gun Take Away, **Moving Vehicle** (circled), Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, **Vehicle Pursuit** (circled), Warrant Service, Warning Shot, Other: ______

Initiated by (*circle only one*): Arrest Warrant, **Call** (circled), Observation, One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, **Routine Patrol** (circled)

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect	Aero Unit?	Canine Unit?
22	0	☐	☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	Arellano	Samuel		EM **PM** Day	**Regular** Overtime Off Duty
[redacted]	Lecrivain	John		EM **PM** Day	**Regular** Overtime Off Duty
[redacted]	[redacted]	[redacted]		EM **PM** Day	**Regular** Overtime Off Duty

Non-Employee Witnesses

Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*)
[redacted]	Lecrivain	John		**On Duty**, **Present during shooting**, **Witness to shooting**, Involved in shooting
[redacted]	[redacted]	[redacted]		**On Duty**, **Present during shooting**, **Witness to shooting**, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Dane	Sean	

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Arellano	Samuel	

PSTD Use Only
SH # ______

SH-R-438A rev. 3/07

See Reverse

Officer Involved Shooting

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
11/21/09	1630		

Employee #	Last Name	First Name	M.I
[redacted]	Bly,	David	
[redacted]	Gealta	Diana	
[redacted]	Brothers	Jessica	

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
E-1	S-1	FH	BR	9	Y	Y	NN	NN
E-2	S-1	FH	BR	9	Y	Y	NN	NN
S-1	E-1	OV					AB	KN
S-1	E-2	OV					NN	NN



Officer Involved Shooting
Involved Employee Information

URN: 609-13703-0272-091

Involved Employee

E 1

Employee # [redacted]	Last Name: Yee	First Name: Jimmy	M.I.
Sex: M Race: O	Rank: B-1	Unit Assignment: East Los Angeles Station	Work Assignment (Unit #, Module, etc.): 27T Days
ShiftTime (*circle only one*): EM PM **(Day)**	ShiftType (*circle only one*): Regular **(Overtime)** Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☒
Hrs of sleep prior to shooting: 8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, **(Uniform w/ Vest)**	Other Factors:
Age: 50 Height: 505 Weight: 150			
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted] Directed Force: [redacted]
Weapons Fired Brand: Beretta Caliber: 9mm # Shots:	Weapons Fired Brand: Caliber: # Shots:		
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.

E 2

Employee # [redacted]	Last Name: Murillo	First Name: Javier	M.I.
Sex: M Race: H	Rank: DEPUTY SHERIFF	Unit Assignment: East Los Angeles Station	Work Assignment (Unit #, Module, etc.): 21 Days
ShiftTime (*circle only one*): EM PM **(Day)**	ShiftType (*circle only one*): **(Regular)** Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting: 8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, **(Uniform w/ Vest)**	Other Factors:
Age: 44 Height: 509 Weight: 245			
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted] Directed Force: [redacted]
Weapons Fired Brand: Caliber: # Shots:	Weapons Fired Brand: Caliber: # Shots:		
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.

E__

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height: Weight:			
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand: Caliber: # Shots:	Weapons Fired Brand: Caliber: # Shots:		
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

Officer Involved Shooting
Suspect Information

URN: 609-13703-0272-091

Suspect Information

S 1

Last Name: Herrera	First Name: Jerry	M.I.
AKA Last Name	First Name	M.I.

Sex: M Race: H	Street Address: [redacted]	City [redacted]	State & Zip Code: [redacted]
Work Phone: [redacted]	Home Phone:	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 32 D.O.B. 03/10/77	Height: 510 Weight: 180	FBI # [redacted]	CII # [redacted]
Booking # 2138011	Primary Charge: 245(b)(1) P.C.	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? [redacted]	Substance Used: [redacted]
Armed? ☐	Apprehended? ☒	Mental Illness? ☐	Criminal History? ☒
Vehicle Make		Model:	Year:

S__

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name	First Name		M.I.
See Page 4 of summary			
Street Address	Zip Code	Work Ph	Home Ph

Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph

Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph

Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph

Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph

Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph

Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph

Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph

Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph

Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph

Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph

Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph

Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph

Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph

Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph

Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph

SUPPLEMENTAL EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
Navarrette	Ronald		East Los Angeles Station		(323) 264-4151	
Hile	Stephanie		East Los Angeles Station		(323) 264-4151	
Bugarin	Maybet		East Los Angeles Station		(323) 264- 4151	
Fonseca	Angel		East Los Angeles Station		(323) 264-4151	
CASTELLANOS	Nicolas		East Los Angeles Station		(323) 264-4151	

INVESTIGATIVE SUMMARY
DEPUTY INVOLVED NON-HIT SHOOTING
IAB CASE NUMBER SH2255621
URN #609-13703-0272-091

On Saturday, November 21, 2009 Sergeants David Bly, Diana Gealta, and Jessica Brothers, along with Lieutenant Mike Grimaldi responded to East Los Angeles Station regarding an Officer involved non-hit shooting.

At approximately 1235 hours, East Los Angeles Station received a report of a vehicle theft just occurred involving a dairy delivery truck (2005 International Boxtail Truck [redacted]). The stolen truck was equipped with a GPS tracking device, and the R/O provided periodic updates of the truck's location. Station personnel and Air-8 searched for the stolen truck for approximately 40 minutes before 20S, Sgt Lecrivain, terminated the search because of the 2-3 minute delay inherent in the GPS service, making the updates stale.

At approximately 1320 hours (shortly after the search was discontinued) Deputy Jimmy Yee #[redacted], saw a truck matching the 10-29V description going east on Washington Blvd approaching the 710 freeway. Deputy Yee followed the truck (no lights or siren) onto the northbound 710 on-ramp at Washington Blvd. The plate returned clear of wants/warrants.

The truck suddenly stopped on the on-ramp. Deputy Yee stopped approximate 10 feet behind it and ran the plate again to verify its status. Before the plate returned, Deputy Yee saw the truck's backup lights illuminate and the truck accelerate in reverse rapidly toward his vehicle. Deputy Yee tried to exit his vehicle, but while he was in the door jam area, the truck rammed his radio car. Deputy Yee's vehicle lurched back, striking him and throwing him to the ground (injuring hands, elbow and knees).

While Deputy Yee stood up, he saw the truck accelerating in reverse again, this time maneuvering toward him. Fearing for his life, he fired 6 rounds at the truck, aiming at the cab area. The truck stopped and then sped onto the northbound 710 freeway. Deputy Yee put out a broadcast that the stolen truck had rammed his patrol car and was traveling north on the 710.

Aero, already in the area, quickly located the stolen truck and directed patrol units to it's location. It took approximately 5 minutes for units to reach the truck and they pursued the Suspect for approximately 4 minutes. Approximately 5 units pursued the truck east on the 60 freeway . The truck exited the freeway at Atlantic Blvd, running a red light and striking a civilian vehicle in the intersection. The truck traveled south to the westbound 60 freeway on ramp. The truck traveled west on the 60 freeway. The truck exited the freeway at the 3rd Street/Downey Ave exit, but suddenly stopped on the off-

ramp. Deputy Javier Murillo #[redacted], along with 4 other units, stopped behind the truck to conduct a felony traffic stop. Deputy Murillo exited his vehicle and immediately saw the truck accelerate in reverse toward him and his vehicle. Deputy Murillo fired16 rounds at the driver as the truck rammed his patrol car. The stolen truck then sped off with three units in pursuit for approximately 3 minutes until CHP took control of the pursuit. Sheriff's units fell back and followed at a distance in surveillance mode.

Aero continued to call the pursuit on the various freeways, and various surface streets for approximately 15 minutes until CHP Aero units took control. Air -8 continued to observe the pursuit.

The pursuit terminated approximately 24 minutes later when the stolen truck, which was traveling east in the 600 East block of Washington Blvd, Los Angeles, entered the Metolink train tracks and collided with a steel tubular barrier at San Pedro Street. The Suspect exited the truck and ran north to a parking lot, where CHP officers arrested him. When Sheriff's units arrived the Suspect was in custody.

The Suspect, Jerry Herrera MH/32, booking number 2138011,of Los Angeles, suffered only minor injuries, a small abrasion on his right cheek and slight bruising on his left wrist, in the TC. He was transported to USC Medical Center where he received an OK to book.

IAB Note: The summary of this incident is based on physical evidence collected at the scene by Los Angeles County Sheriff's Department Crime Lab personnel, IAB investors observations, as well as information obtained from the original crime report and supplemental reports along with interviews of the involved personnel and witnesses. *(Refer to Exhibits A through G)*

IAB Note: See Exhibit "A" page 58 for a supplemental report from Air-8 Deputy Looney documenting their involvement in the pursuit.

IAB Note: See Exhibit "F" for East Los Angeles Station's PURSUIT EVALUATION form with the Unit Commander's Recommendation section left blank for the Executive Force Review Panel's recommendations.

IAB Note: See Exhibit "G" for a copy of California Highway Patrol's Pursuit Report System report summary #20094794 documenting their involvement in the pursuit, critique, and recommendations.

INVOLVED PERSONNEL

YEE, Jimmy, Deputy Sheriff, #[redacted]
Field Operations Region I
East Los Angeles Station

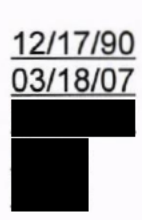
Work History

Date of Employment	08/10/1988
Date Assigned to Patrol	09/12/93
Date Completed Patrol Training	[redacted]
Prior Shooting Incidents	
Prior Founded Force Incidents	

MURILLO, Javier, Deputy Sheriff, #[redacted]
Field Operations Region I
East Los Angeles Station

Work History

Date of Employment	12/17/90
Date Assigned to Patrol	03/18/07
Date Completed Patrol Training	[redacted]
Prior Shooting Incidents	
Prior Founded Force Incidents	



SUSPECT

Herrera, Jerry, MH/32, DOB: 03/10/77, Booking #2138011

[redacted]

IAB Note: See to Exhibit "A" pages 50-57for further information.

SWORN WITNESSES

ARELLANO, Samuel, Lieutenant, #[redacted]
Field Operations Region I
East Los Angeles Station

LECRIVAIN, John, Sergeant, #[redacted]
Field Operations Region I
East Los Angeles Station

[redacted] Sergeant, #[redacted]
Field Operations Region I
East Los Angeles Station

NAVARRETE, Ronald, Deputy Sheriff, #[redacted]
Field Operations Region I
East Los Angeles Station

HILE, Stephanie, Deputy Sheriff, #[redacted]
Field Operations Region I
East Los Angeles Station

BUGARIN, Maybet, Deputy Sheriff, #[redacted]
Field Operations Region I
East Los Angeles Station

FONSECA, Angel, Deputy Sheriff, #[redacted]
Field Operations Region I
East Los Angeles Station

CASTELLANOS, Nicolas, Deputy Sheriff, #[redacted]
Field Operations Region I
East Los Angeles Station

CIVILIAN WITNESSES

[redacted] M/9
[redacted]

[redacted] M/47
[redacted]

[redacted] M/40
[redacted]

[redacted] F/41
[redacted]

IAB Note: See Exhibit "A" pages 14, 15, 18, 19, 20, 21, 66, and 68 for statements from witnesses who only heard gun shots.

SUSPECT INJURIES

Suspect Herrera was transported via ambulance to USC Medical Center, 1200 N State St, Los Angeles, California 90033 (323) 409-0000 , where he was treated by Doctor Khemicien for the following minor injuries and was given an OK to book.

An abrasion on his right cheek.

Minor bruising to his left wrist.

IAB Note: See Exhibit "C" for photographs of the Suspect's injuries. Also, note the Suspect had a pervious bone fracture on his right wrist which was in a hard cast at time of this incident.

IAB Note: See Exhibit "A" pages 25 and 26 for further information.

DEPUTY INJURIES

Deputy Yee sustained abrasions and small cuts to his left elbow area and bruising to both his knees.

PHYSICAL EVIDENCE

The following items of evidence were collected from Location #1: Northbound 710 freeway on ramp from Washington Blvd, Commerce.

EV19-24 — 6 Fired cartridges casings located near and around Deputy Yee's vehicle.

IAB Note: See Exhibit "A" CSI reports, pages 40A and 41, for further information.

The following items of evidence were collected from Location #2: Westbound 60 freeway off ramp at Downey Road, East Los Angeles.

Items 1-16 — 16 Fired cartridges casings located near and around Deputy Murillo's vehicle.

IAB Note: See Exhibit "A" CSI reports, pages 42-45, for further information.

The following items of evidence were collected from Citywide Towing Company, 1501 Fishburn Ave Los Angeles, where the stolen vehicle was towed to, from Location #3: 600 block of Washington Blvd, Los Angeles where the Suspect ended the pursuit by crashing into a steel tubular barrier while traveling eastbound on the Metrolink railroad tracks.

Items C-L — All Items were bullet impacts or bullet holes located on the stolen truck's exterior body.

Items PT-1 and 2 — Fired bullet jacket fragments recovered from inside the driver's side cargo wall.

IAB Note: See Exhibit "A" CSI reports, pages 46 and 47, for further information.

IAB Note: See Exhibits "D" and "E"for Crime Scene Investigators photographs, and three compact disks containing all photographs taken by Crime Scene Investigators.

<u>INVESTIGATORS OBSERVATIONS</u>

The first shooting incident (location #1) occurred on the northbound 710 freeway on ramp from Washington Blvd, Commerce. The on ramp travels north, sweeping west, and then north onto the 710 freeway. Deputy Yee's vehicle came to rest facing west. The crime scene is bordered by the 710 freeway to the north-northwest, the northbound 710 freeway Washington Blvd off ramp to the south, and down an embankment to the north and east lies a residential neighborhood.

The physical evidence at this shooting incident location (position of Deputy Yee's 9MM shell casings, position of his patrol car, and the front end damage to the patrol vehicle) appeared to be consistent with Deputy Yee's and Suspect Herrera's versions of events.

The second shooting incident (location #2) occurred on the Downey Road off ramp from the westbound 60 freeway East Los Angeles. The off ramp travels west, sweeping south to 3rd Street . Deputy Murillo's vehicle came to rest facing west/northwest.

The physical evidence at this second shooting incident location (position of Deputy Murillo's 9MM shell casings, position of his patrol car, and the front end damage to the patrol vehicle) appeared to be consistent with Deputy Murillo's and Suspect Herrera's versions of events.

A review of radio dispatch tapes revealed the following:

The whole incident, from when Deputy Yee transmitted "10-33" until the Suspect was taken into custody took approximately 58 minutes. Note: The following is pertinent highlights and summaries of dispatch-3 radio transmissions and Cold Line communications. The times are approximate after 1322 hours.

1322 hours- Deputy Yee requested 10-33 and advised the 10-29V truck just rammed him. He advised the Suspect was northbound on the 710 freeway from Washington.

20S (Sgt. Lecrivain) responding code-3 to Deputy Yee's location.

Aero (already in the area) observed the Suspect northbound 710 freeway at 3rd street.

1324 hours- 20S requested two units to respond to Deputy Yee and requested Aero to direct two units to the Suspect's location.

Aero advised the Suspect now eastbound on the 60 freeway.

Cold Line- Cold Line telephone communications established between ELA Station and SCC.

Cold Line- ELA request SCC to contact CHP for an ETA.

Units 25A (Deputy Castellanos) and 21A (Deputy Gonzales) responding to pursue the Suspect. Aero advised the Suspect exited on northbound Lorena and on surface streets.

Cold Line- ELA request SCC to advise units a citizen heard gunshots at Deputy Yee's location when the Suspect fled that scene.

SCC advised units the Suspect may be 417.

1327 hours- 20L (Lt. Arellano) advised he was one minute away from the Suspect's updated location. (Lt. Arellano was already in the field at a community event when Deputy Yee advised 10-33).

Aero advised the Suspect is westbound on 3rd Place and is directing units to close in on the Suspect.

1328 hours- Aero advised it appeared the Suspect was attempting to ram ground units (stopped and backing up). The Suspect was westbound on 4th Street with four units in pursuit.

20L advised he was code-6 with the pursuit.

1329 hours- 20L requested SCC to advise LAPD of the Suspect and his erratic driving. SCC advised LAPD was notified. SCC advised per the Watch Commander (Watch Sergeant, Sean Dane #[redacted] assumed the Watch Commander's role at the desk) Aero will call the pursuit. Aero acknowledged.

1330 hours- SCC requested per the Watch Commander, how many units in the pursuit. Unit 24 (Deputy Navarrete) confirmed he is in the lead and Aero stated four units in the pursuit. 20L requested units to identify themselves. SCC confirmed units 24, 20L, 21 (Deputy Murillo), 25A, and 20B2 were in the pursuit.

Cold Line- **ELA Watch Commander confirmed with SCC if a SAM unit joins the pursuit, he wants all units to remain in the pursuit because of the reported shots fired and the Suspect committing a 245c P.C.**

1331 hours- 20L, Aero and SCC all confirmed the suspect committed a 245c P.C.

Cold Line- **ELA watch Commander confirms with SCC to patch CHP into the pursuit and request them to take control when the Suspect is on the freeway.**

1332 hours- Aero advised the Suspect is eastbound on the 60 freeway at 70-75 MPH, exiting at Atlantic Blvd. Aero advised the Suspect has a red light at the intersection with cross traffic. The Suspect ran the red light and collided with a civilian vehicle, Aero requested 902R to that location. (The traffic accident was handled by CHP documented under their report number [redacted] Aero advised the Suspect reentered the westbound 60 freeway. SCC advised 902R and CHP notified.

1333 hours- 20S code-6 with the pursuit. Aero advised the Suspect is driving erratically.

Cold Line- **ELA Watch Commander advised SCC when CHP is in position to allow them to take control.**

SCC advised Aero regarding CHP to take control.

1334 hours 20L authorizing 20S in the pursuit. Suspect still westbound on the 60 freeway.

1335 hours- Aero advised a CHP unit is westbound on the 60 freeway and told Sheriff units to open a lane for CHP. Aero Advised the Suspect is approaching and exiting the 3rd Street off ramp. Unknown unit advised they flagged the CHP unit to take control of the pursuit, but the CHP unit declined.

1336 hours- Aero advised the Suspect is stopping on the 3rd Street off ramp and now is backing up. Aero told units to back up. Aero advised the Suspect collided into the lead unit. Unknown unit advised "998" (involved-Deputy Murillo). 20L advised two units and 20S to pursue the Suspect and himself and two units to remain with Deputy Murillo.

1337 hours- Unknown, unit Possibly 20S, advised units to stay back from the Suspect. Aero advised the Suspect is now eastbound 60 freeway. Unknown unit request unit behind 20S to break traffic. Aero advised Suspect is exiting to the northbound 710 freeway. Unknown unit, possibly 20S, requesting if CHP is going to get involved in the pursuit.

Cold Line- **SCC advised ELA Station they can not contact CHP.**

1338 hours- 20S asked 20L for permission to continue the pursuit. 20L affirmed the pursuit at that time and wanted an update on CHP involvement. Unknown unit advised he is northbound on the 710 freeway with three CHP units behind him. 20L advised units to have CHP take control of the pursuit with two Sheriff's units to track the pursuit.

1339 hours- SCC advised CHP will take control of the pursuit once they are in position. 21S (Sergeants [redacted] and Holwager) advised there was also a 998 at the first 245c location at the 710 freeway and Washington Blvd **(first knowledge to units that Deputy Yee was involved in a 998)**. SCC advised CHP took over pursuit. 20S told Sheriff units to yield to CHP units. Aero advised the Suspect is now westbound on the 10 freeway.

Cold Line- **ELA Watch Commander requested other station units to respond to ELA Station. SCC advised Lennox units will respond.**

1341 hours- 20S told units to relinquish control of the pursuit to CHP. Aero told ELA unit rooftop 246 to get out of the way of CHP. 20S told units to "get out of the way." Aero advised three CHP units now in control of the pursuit, westbound 10 freeway passing Herbert.

1342 hours- 20S told 20L that four CHP units now have control of the pursuit with three ELA units following. 20L acknowledged and confirmed he (20L) wanted units to track the pursuit. 20S requested a K-9 unit to respond in case the Suspect fled on foot.

Cold Line- **SCC advised ELA that Lennox, Century, and Compton Station units are en route to ELA Station. ELA requested SEB to be on standby. SCC advised Pico and Temple Station units responding to ELA Station.**

1344 hours- Aero advised the Suspect is now eastbound 10 freeway.

1345 hours- 20L asked Aero how many CHP units were in pursuit. Aero advised 3-4 units involved and the Suspect is now on the southbound 710 freeway at Floral, speed 75 MPH.

1349 hours- SCC asked Aero to confirm there are no Sheriff's units are in the pursuit. Aero confirmed they do not see any Sheriff's units in the pursuit.

1350 hours- Aero undated the Suspect's location as now westbound 60 freeway from the 710 freeway. Then northbound 5 freeway from the 60.

1352 hours- SCC advised K-9 unit ETA was 15 minutes to ELA Station. Aero advised the Suspect is now on the northbound 101 freeway crossing over the medium to southbound 5 freeway, then onto Soto Street.

1354 hours- Aero advised two CHP Airships are overhead, but they will remain overhead to observe. 20L requested Aero to keep them advised. The Suspect is now southbound on the 5 freeway.

Cold Line- **ELA Watch Commander advised SCC only four units in surveillance mode, authorized units 20S, 20B2, 24, and 25A.**

1355 hours- 20L authorized units 20S, 20B2, 24, and 25A to track the pursuit. Aero advised the Suspect is now northbound on the 5 freeway

1356 hours- SCC advised all ground Sheriff units are to be in "surveillance mode."

1357 hours- Unknown unit asked if ground unit are to re-engage in the pursuit. Aero advised CHP has nine units in the pursuit.

Cold Line- ELA Watch Commander affirmed that authorized grounds units are to be in "surveillance mode."

1358 hours- SCC advised all Sheriff units are to be in "surveillance mode."

1359 hours- From 1359 hours to approximately 1417 hours, the Suspect continue to lead CHP officers in a pursuit. Sheriff units were in surveillance mode with Aero still overhead providing updates. The Suspect drove on surface streets.

1417 hours- Aero advised the Suspect is driving westbound on Washington Blvd Los Angeles, on the Metrolink train tracks.

Cold Line- 20L (who is now at ELA Station's desk and relieved Sergeant Dane) requested SCC notify Metrolink to shut down the trains.

SCC advised Metrolink trains have been shut down.

1418 hours- Aero advised the Suspect made several turns and is now eastbound on Washington Blvd. Advised the Suspect is traveling on the Metrolink tracks. Aero advised the Suspect had a traffic accident just east of Los Angeles Street and he is running northbound. Aero advised the Suspect is a male Hispanic wearing a black jacket, blue jeans with white gloves. Aero advised there is a foot pursuit (CHP units) through a parking lot.

Cold Line- 20L advised SCC to roll units code-3 to that location pending a code-4.

Unknown unit, possibly 20S advised units to set up a containment. Aero advised to 10-22 the containment and that CHP is going 10-15 in a back parking lot.

1419 hours- Aero advised 20S to continue traveling west, directing him to the scene. 20S advised the address of 631 Washington Blvd. SCC advised that a code-3 response is still authorized until code-4.

1420 hours- Code-4 advised and SCC 10-22 all code-3 responses. ELA Station personnel started to coordinate a crime scene.

IAB Note: See Exhibit "B" for a compact disk containing recordings of dispatch-3 radio traffic and the SCC Cold Line.

WEAPONS USED BY DEPUTY PERSONNEL

YEE, Jimmy, Deputy Sheriff

Service Weapon: Department authorized/issued Beretta 9mm, Model 92FS, semi-automatic pistol, serial number BER[redacted]Z.

Ammunition: Luger, 9mm, six rounds fired with ten rounds left in weapon.

Shell Casings: A total of six expended shell casing were found at the shooting scene where Deputy Yee reported shooting from.

Date last qualified: [redacted]

MURILLO, Javier, Deputy Sheriff

Service Weapon: Department authorized/issued Beretta 9mm, Model 92XX, semi-automatic pistol, serial number BER[redacted]Z.

Ammunition: Luger, 9mm, sixteen rounds fired with no rounds left in weapon.

Shell Casings: A total of 16 expended shell casing were found at the shooting scene where Deputy Murillo reported shooting from.

Date last qualified: [redacted]

WEAPONS USED BY SUSPECT MORENO

Vehicle, 2005 International Boxtail Truck license number [redacted]

IAB Note: See Exhibit "D" for photographs of the truck.

PROPERTY DAMAGE

Deputy Yee's Los Angels County Sheriff's Department patrol vehicle, SD4175, license number 1178114 CA. Moderate front end damage.

Deputy Murillo's Los Angels County Sheriff's Department patrol vehicle, SD3401, license number 1112122 CA. Minor front end damage.

2005 International Boxtail Truck [redacted] Major front end collision damage, bullet strikes and bullet holes.

Metrolink train tracks and guard railing. Major collision damage.

IAB Note: See Exhibits "D and E" for photographs.

CRIMINAL INVESTIGATOR/CHARGES FILED

Suspect Jerry Herrera

Investigator:	Detective [redacted], East Los Angeles Station Detectives
Court:	East LA Court case BA365004
Charges:	Two counts 245c P.C., one count each of 487d P.C., 10851(a) P.C., CVC, 2800.2(a) CVC, and 20002(a) CVC
Court Date:	04/29/10 pre-trial conference

LIGHTING AND WEATHER CONDITIONS

The incident occurred during daylight hours. The weather was cool and clear.

INVOLVED EMPLOYEE STATEMENTS

YEE, Jimmy, Deputy Sheriff

Deputy Yee was interviewed on November 21, 2009 at 2116 hours by Sergeants David Bly and Jessica Brothers. The interview took place at East Los Angeles Station and was recorded for review. The following is a summary of his interview.

Deputy Yee said he was working an uniformed patrol car (27T) and was assisting unit 21A (Deputy Judy Gonzalez) in looking for a stolen milk delivery truck. He said the stolen truck was equipped with a GPS unit and the delivery company was providing locations of where the truck was. He said the GPS location information was stale because the reported GPS information was delayed 1-2 minutes. He said the truck was described as a bobtail truck with "got milk" on it.

Deputy Yee said, "So we had units over there and there's no truck and we come to find out that's a, like a minute and a half or two minutes kind of delay. So this truck is in Montebello, the next thing I know it's coming back to East L.A. and the next thing I know it's in, going to L.A.P.D.'s area, surfing around. I think it's about like 13, 13:10, 13:20 hours. I'm on Whittier and Eastern. The 20 David is last seen location as 4000 Ayers Street. So I go oh, it's in Commerce okay, it's going to a dead end. It's not going anywhere. So I'm a way down there just to 927C the area. I'm stopped at, I get off on Washington Boulevard and here he is at the red light. I'm facing westbound. There's a big truck, milk truck, white in color and makes a right turn. I look at it and go, 'Oh hey,

there's the milk truck'." He said at this moment he saw the cab of the truck had a driver which was the sole occupant.

Deputy Yee said at this same, 20S had told units to cancel looking for the stolen truck because the GPS locations were stale. Deputy Yee said the truck he saw was a boxtail milk truck, bigger than a bobtail truck, but generally, that truck matched the description of the stolen truck. He said he had to make a U-turn to follow the truck. He said he did not activate his emergency lights and he did not have his siren on. He said he did not request units to his location regarding the possible 10-29V and he did not advise units he was behind a possible stolen truck.

Deputy Yee said, "I saw a truck fit the description, plus it had a cow, a picture of a cow on each side and I'm going hey, that's a milk truck. I looked at the license plate, was a different license plate. So it started going eastbound. So I thought maybe he switched plates, maybe it's not. Just to check, I made a U turn, follow it. We pull into the left turn lane of, going to the northbound 710 freeway. So I go it's probably not the same truck. So I'm trying to get the license plate. I'm running it. Now we're, traffic going."

Deputy Yee said he was behind the truck and the license plate returned "clean." He said he followed the truck up the on ramp. He said there are two lanes on the on ramp that merge into one lane and he did not see any vehicles behind him. He said as the two lanes merged into one lane, the truck suddenly stopped. He said he stopped 8-10 feet behind the truck.

Deputy Yee said, "It didn't, yeah, I didn't think of it. It looked like it just stopped, because it looked like it was, another car was trying to get by. So because it has the merge where it comes in like two lanes into one lane. Looks like it's wide enough with the, as I look back up and that's when it stopped there's a jerky movement. I'm looking at it, I look down at the MDT, I look back up and it looks like it's engaging, it's coming towards me. I'm like oh, I'm thinking this guy is going to try to ram me. It's the same truck. I put my car in gear (park) and I'm trying to get out and he rams me. Knocks me to the ground."

Deputy Yee said he was halfway out of his car, in the door jam area, when the Suspect rammed into his vehicle. He said he it happened so quickly, he put his car in park and wanted to exit it for his own safety. He said, "I noticed that hey, I don't know what's going to happen. He's going to hit me and run on top of me. So I'm just looking out for safety."

Deputy Yee said the force of the truck hitting his vehicle caused his vehicle to hit him as he was exiting. He said, "I'm getting out on, I'm half way out, yeah. When he rams me, that, pushed the patrol car back and that's when I fell back. I fell on the ground, just hands going down. It moved my black and white and knocked me to the ground on the, all I was thinking was I need to get back up, because I laid down, who knows what happens. So and I'm being, I'm in, that's the curb and the black and white's right next to me." He said he did not remember if he fell to his knees or fell flat on his stomach.

Deputy Yee said he wanted to get on his feet quickly because did not want to be hit by the truck. He said, "I got back up as quick as I could. I turned to look and it looks like he stopped to pull, move forward a little bit. Then he moves up and it looks like he, looks like he braked abruptly. He stops and it looks like he's coming towards me. He's coming, it's like he's trying to get in gear and he's coming towards me now. And I, I mean I guess I'm in middle of the patrol car in the middle of the median. So I back up onto the median, but this time it looks like he's coming towards me and not the patrol car. I'm in fear for my life and I'm like oh crap." Deputy Yee described the direction of the truck by saying, "He's moving like turning, he's coming towards my direction instead of black and white."

Deputy Yee said to the southwest of the median was the Washington Blvd off ramp from the northbound 710 freeway. He said he did not pay any attention to see if any cars were traveling on that off ramp or not. He said the median was approximately 3 feet wide and the median was approximately 3 feet to south of his patrol car.

Deputy Yee said, "I drew my gun. Duty weapon. I looked and now it looks like it's turning now, it's coming towards me instead of the patrol car. So I go well this guy's trying to kill me. I fired several rounds." He said he thought he fired 4 rounds at the Suspect.

Deputy Yee said he was aiming toward where the driver's seat would be. But because of the size of the box end of the truck and the angle which the truck presented it self, Deputy Yee said he fired at the left-back side of the truck. He said, "The only thing I could aim was the back. I was aiming towards mostly towards the left back of the, towards hopefully where the driver was, towards that." He said he did not see where his rounds landed.

Deputy Yee said he could not see the Suspect when he shot. He said he fired 4 rounds (in fact he fired 6 rounds) one after the other and when the truck stopped coming toward him, he stopped shooting. He said as quoted from his transcribed interview:

Bly: How did you shoot? I mean did you shoot you know, one or you know, did you double tap. I mean how was the sequence of your shots?

Yee: I think it was like bam, bam, bam, bam and it looks like he stopped and he starts to take off.

Bly: When you were shooting, did you ever stop, reassess and then shoot again or was it just bam, bam, bam, bam?

Yee: Bam, bam, bam, bam, as soon as he stopped, I stopped.

Bly: Okay.

Yee: He stopped, I stopped and I don't know, I turned back and looked, but when he stopped, he started to pull away.

Bly: You said you turned back and looked?

Yee: Because I don't know about the --

Bly: Turned back to look where?

Yee: Turned back to it was just behind me.

Bly: Okay.

Yee: Look at the medium in case I need to run back.

Bly: Did you notice if there was any cars behind you during this whole time, any civilian cars behind you?

Yee: No.

Deputy Yee said the Suspect fled, driving onto the northbound 710 freeway. He said his handheld radio had fallen to his side when he fell to the ground and he had to return to his car to transmit 10-33 traffic. He said,"I grabbed my portable, I was trying to pull it out. I didn't hear SCC coming back. So it's like my portable came out when I fell to the ground. It was dangling on the down by the ground. I put 10-33. 10-33, give me the patch. I think I said, '10-29V just rammed my vehicle.' the milk truck and last direction was the northbound 710 from Washington Boulevard."

Deputy Yee said he did not broadcast "998" because Aero had spotted the Suspect and was coordinating units. He said he knew units were en route to his location and when Sergeant Holwager arrived, units were advised, he was involved in a shooting. He said units were advised of his "998" approximately 20 minutes after the fact.

Deputy Yee said approximately 5-10 seconds passed from the time the Suspect first stopped on the on ramp until he shot. He said he was approximately 10-15 feet away from the Truck when he fired his weapon.

Deputy Yee said he received medical treatment from Doctor Enrile at Monterey Park Hospital for scrapes on his elbows, right knee and a bruise to his left knee.

IAB Note: See Exhibit "A" pages 64 and 65 for a supplemental report by Detective Contreras who documented Deputy Yee's statements of what occurred. Deputy Yee's statements were consistent with his own supplemental report and his IAB interview.

IAB Note: See Exhibit "C" for pictures of Deputy Yee's injuries.

IAB Note: See Deputy Yee's transcribed interview for further information and Exhibit "A" pages 10 and 11 for a supplemental report authored by Deputy Yee.

MURILLO, Javier, Deputy Sheriff

Deputy Murillo was interviewed on December 29, 2009 at 0950 hours by Sergeants David Bly and Diana Gealta. The interview took place at IAB and was recorded for review. The following is a summary of his interview.

Deputy Murillo said he was working a one man patrol car, unit 21 DAYS. He said toward the end of his shift he was assisting units in looking for a stolen milk truck. He said, "I was getting ready to go off shift. Uh, it was probably the last hour before I was getting off and I was just kind of winding down. Um, call went out of a stolen vehicle. Um, I kind of hung out in the area, checking the area. We were -- the car had a GPS so we were trying to kind of pinpoint where it was. Um, because of the time delay we had a hard time locating -- locating the vehicle. So, uh, we pretty much uh, at that time we pretty much uh, 1022 -- they were 1022-ing the investigation. They were just going to take the report. Um, when I heard uh, Deputy Jimmy V -- Jimmy Yee involved in the uh, 998. This was over the radio. Um, I heard uh, I heard he -- something to the affect where he had just been rammed by the uh, suspect vehicle."

Deputy Murillo described the stolen truck. He said, "It was a uh, milk truck -- delivery milk truck, box truck uh, and it had a uh, "Got Milk" signs on the side of the truck and uh, I think -- I believe it had some emblems of cows and stuff on it."

Deputy Murillo said he was on Atlantic Blvd at the 60 freeway when he heard Aero had found the stolen truck. He said, "They had picked it up on Washington and the 710, so I was waiting. Because it was coming northbound, I was waiting to see if it would perhaps go westbound 60, so I was standing by on the 60. And when it went uh, eastbound, that's when I jumped on the freeway."

Deputy Murillo said he caught up with the Suspect at 4th Street and Evergreen in the city of Los Angeles and he said there was 2-3 other Sheriff units pursuing the Suspect. He said at this time he was the third or fourth unit following the Suspect. He said, "We were traveling on uh, through the city, surface streets, um, and at one point he exited back on the freeway. Uh, we ended up uh, we ended up going in a -- getting back on the freeway, on the 60 eastbound. And uh, I remember, he exited on uh, Atlantic. 60 and Atlantic. Um, just runs through a red light and that's where he uh, he clipped a car going southbound. Spun that car around. Um, and then makes a north -- makes a left hand turn going northbound, then he comes -- circles around and ends up going eastbound on 60 again. Re-enters the freeway. He exited east -- he exited eastbound. Uh, goes north, and then he comes back and goes westbound on the 60."

Deputy Murillo said the Suspect was driving "crazy", up to speeds of 75-80 MHP. He said, "Uh, this guy is just driving crazy. At one point in looked like he uh, he wanted to flip the car intentionally. He was just going back and -- you know, uh, weaving back and forth. Uh, to us he looked like he just wanted to roll it intentionally. Going back and forth. Um, when he came to the Downey off-ramp he -- we were driving along and then he just -- just made a movement towards uh, towards the uh, Downey off-ramp (3rd Street). Um, cars -- I was like, I was the third car in the pursuit at that time. I was the third car going from the pursuit and uh, the car motioned -- abruptly made a motion to get off on Downey Road. Some cars wouldn't -- weren't able to keep up with the uh, the truck."

Deputy Murillo said when the Suspect suddenly exited the freeway, the lead units could not safely follow him, and he (Deputy Murillo) then became the lead unit. He said he followed the Suspect onto the off ramp. He said, "Uh, the car exited. Uh, I'm behind it. Uh, mid-point um, on the exit -- on the off-ramp, I see the uh, truck stop. I could see the uh, brake lights illuminating so I kind of slow down. Uh, not knowing what he was going to do. Was he gonna run? Was he gonna give up? You know, about to do a felony stop or. Uh, it came to a stop. Again, I'm not knowing -- I was trying to figure out what this guy is going to do next. His next move. Is he gonna continue? Is he going to run? Um, and I can see -- I, I kind of positioned my vehicle where I could see the driver's side door."

Deputy Murillo said he positioned his vehicle two to three car lengths behind the truck. He said he was stopped at an angle behind the Suspect. He said, "I could see the uh, left side of the truck. Um, the way the uh, box -- it was a box truck, so I couldn't -- couldn't really see the uh -- I was trying to get a, get a view of him through the uh, rear -- the rear-view mirror. The side mirror. But because of the truck I couldn't really get a good look, because it was blocking my view."

Deputy Murillo said he knew Sheriff units were behind him, but at that time he did not know who they were. He said he was sitting in his patrol car for approximately 10 seconds watching the truck. He said, "I was focused on the truck. Uh, waiting to see -- see what his next move is. Um, at -- at which time I saw the um -- I'm sitting in my car, I'm getting reading to bail out if this guy goes on foot -- goes aground. I'm waiting. You know, I'm just -- a lot of things are going through my mind. And, at which time I see the uh, the rear lights illuminate. Uh, they, they come on. And then um, I'm hearing the engine kind of revving. And I see, I see him accelerate towards -- towards me, towards my car. Um, I felt I didn't want to stay in the car and get hit, because I didn't want to get hurt or uh, trapped in there. So I, I bail out of the car. I see uh, the rear end of his truck coming towards, like veering towards me."

Deputy Murillo said he felt his life was in danger and he exited his vehicle with his gun drawn. He said, "I was kind of hoping he'd, he'd run. You know, just to get the truck off the road. But when I, when I seen him coming towards me that's when I felt my life was in danger. I was able to get out -- open the door and uh, get out on both feet. I came out through the uh, driver's side door. Um, when he was backing up towards me I kind of

took some steps backwards away from the uh, the truck."

Deputy Murillo said he felt he had no where to go after he exited his patrol car. He said, "I just felt I had no where to go. You can see my car was to my right, you know. Had this rail here to the left and then the cars, the black and whites bearing down from -- from the rear. I just felt I had no where to go."

Deputy Murillo said to the south of his patrol vehicle was a rail and to the south of the rail was a slope that led to the 60 Freeway. He said as he exited his car he took to steps away from his car (to his left). He said, "As uh, I'm getting out, as uh, the car is uh, bearing down on, on -- towards my car and myself I could see the uh, tail end kind of maneuvering towards -- towards my direction. Towards here. Um, I thought there was still enough, enough space where the truck could -- could uh, run me over. That my -- he was -- wanted to kill me and my life was in danger."

Deputy Murillo said he moved to his left and shot at the Suspect. He said, "When I, I moved to the left and I first shot here. And as the car continued -- the truck continued towards me I continued shooting, but I, I was taking a step back."

Deputy Murillo said he fired 16 rounds at the Suspect and truck. He said, "I was aim -- aiming at the uh, the cab. Um, at that point I -- I had a better view of the uh, cab from my position, so I was aiming at the uh, at the cab trying to strike the driver."

Deputy Murillo said the Suspect struck his patrol car with the truck. He said, "I unloaded by the time -- time he hit my car. Once he hit my car I was -- I remember already reloading. Tactically -- doing a tactical reload.

Deputy Murillo said he was approximately 30 feet from the cab of the truck when he fired and he just pointed his handgun and shot. He said, "At the time it was more probably point. I have to say. I mean, everything was just -- happened so quickly and um, you know, I was trying to -- I was trying to refer back to my training and pick up my sights, but uh, it was just more -- more pointing then trying -- trying to pick up my sights as best as I could.

Deputy Murillo said he only saw the Suspect once through the driver's side mirror when he was firing. He said, "I just seen him -- see him moving around, you know, driving kind of looking back -- back towards, towards -- right as he's backing up."

Deputy Murillo said he saw a few rounds strike the truck. He said, "I, I could see -- I could see metal, you know, metal coming from the truck, but uh, I saw that a few -- two or three times, but that was pretty much it. They were towards the uh, it was on the, on the uh, the box. I guess the box of the uh, towards -- more towards the um, the I guess the front left corner of the box."

Deputy Murillo said there were no deputies in his field of fire, but after he fired he saw two female deputies (Hile and Bugarin) to his right. He said the deputies were on the passenger side of their vehicle, and behind the engine block.

Deputy Murillo said he did not give the Suspect any commands and he did not hear any other deputies say anything. He said he did not hear the Suspect say anything.

Deputy Murillo said when he started to get out of his vehicle and shot 16 rounds, it was one continuos motion. He said, "It, it was uh, yeah. It was just, just continual. I mean, as I'm shooting I'm thinking -- prior to shooting, I mean, I'm -- I know I got no where to go. I'm just. I mean, all that's going through my mind. And I felt the only option was, you know, my life was in danger."

Deputy Murillo said he was on the driver's side of his car, approximately 6 feet out from his vehicle, between the rear tire and rear bumper when he stopped firing. He said, "Uh, well after I finished firing, after he hit my car he uh, I, and at that point is he gonna get out, is he gonna run, is he, you know, I'm still re -- I'm still tactically uh, tactically reloading and I'm, is this guy going to engage me, is this guy gonna, you know wh -- I didn't know what he was gonna do. Uh, he then, then uh, proceeded to go forward and the pursuit continued. Um, I was here. I got out of the way because these cars -- I didn't want to stay in their uh, in the uh, the rest -- in here with everybody that was involved. I didn't want to get in their way. So I got out of the way."

Deputy Murillo said 20L, Lt. Arellano asked him if he was all right and then he (20L) continued to pursue the Suspect, leaving Deputy Castro with him. He said he heard the Aero unit transmit "998."

IAB Note: See Exhibit "A" page 37 for a supplemental report by Detective Hernandez who documented Deputy Murillo's statements of what occurred. Deputy Murillo's statements were consistent with his own supplemental report and his IAB interview.

IAB Note: See Deputy Murillo's transcribed interview for further information and Exhibit "A" pages 10 and 11 for a supplemental report authored by Deputy Murillo.

SWORN WITNESS STATEMENTS

ARELLANO, Samuel, Lieutenant

Lieutenant Samuel Arellano was interviewed on November 21, 2009 at 2022 hours by Sergeant Diana Gealta. The interview took place at East Los Angeles Station and was recorded for review. The following is a summary of his interview.

Lieutenant Arellano said he was working as the Watch Commander (20L) and was attended a community function at Salazar Park with Captain Henry Romero when he heard "10-33" traffic. He said, "While we were there, I was monitoring the radio and I heard 10-33 emergency traffic come over the air. I listened to the traffic and I determined that it was an East LA station deputy (Jimmy Yee) who had broadcast that he had been rammed by a vehicle that may have been stolen. I let the unit commander know that there was an emergency traffic coming out over the air and that I was going to go get a radio car that we had outside and monitor the situation from the floor and my intent was to monitor the situation, to allow deputies to respond to the location, have a, our sergeant respond and handle it as a supervisor and I would monitor it as a watch commander from a distance."

Lieutenant Arellano said when heard Deputy Yee's voice, he knew a serious incident had occurred. He said, "Jimmy is a very experienced deputy, primarily working traffic, but he's been around a long time and he seems to be very qualified. He's got a tremendous amount of experience and very capable as a deputy sheriff. When I heard his initial traffic over the air, I knew there was something wrong. It wasn't a typical 10-33 traffic. There was shaking in this voice. There was, the manner of which I regularly know his tone of voice, was not there. This was a heightened set, a tone of emergency, and I remember hearing that there was a vehicle, a 10-29 Victor, 'He just rammed me.' I'm thinking did he ram him, did he ram his vehicle, is he hurt, what's going on? and then I hear, 'He's rammed my vehicle', but I could tell he was shaken. I could hear it in his voice. As a watch commander, what I wanted to do was ensure that any deputies who were going to his assistance, do it safely, in an accorded manner, and being of assistance to him and I wanted to ensure the deputies got there and that way, as a supervisor on scene, to supervise, and I would show up to monitor from a distance, just to make sure he's okay, doing my job as a watch commander, make sure my deputies are okay."

Lieutenant Arellano said he did not know Deputy Yee had fired at the Suspect until sometime later. He said, "However I will tell you this, it was a great, great deal of time had passed before any of us at the station knew that Jimmy Yee had fired his weapon. I'm just going to guess, an estimate, probably fifteen to twenty minutes had passed since any of us heard that he had been involved in a shooting. I think that as Jimmy regained his composure, and as a field sergeant, went out there to investigate, 'Jimmy, are you okay? You know, what's going on here?' As he should as a sergeant. He learned that Jimmy had been involved in a shooting."

Lieutenant Arellano said he was in his patrol car monitoring the radio. He said, "As I'm monitoring the radio, I notice and I hear that aero now comes on the air and says that they are observing this truck as it's moving, and as I look up in the air, I could see the aero unit not a very long distance from where I'm at. So I figure let me start rolling to that situation, because deputies are going to direction to broadcast through aero, we're going to coordinate, coordinate a response and see if we can stop this vehicle. I didn't realize how close I was. Within a few minutes, I don't know how many minutes, but within a few

minutes I see a radio car and I follow the radio car and that radio car happened to be the first vehicle that gets behind this white truck. So now I am the second vehicle." He said he pursued the truck on several freeways and surface streets.

Lieutenant Arellano said they were on surface streets when the Suspect tired to ram other patrol vehicles. He said, "I believe we were in the area of 3rd and Lorena, in that general area. Traffic on the eastbound side of the lane was full of traffic and we had stopped for a red light. We were westbound. The white truck stops and it's my belief now that we're, the deputy and myself, all assisting in a felony traffic stop with this stolen vehicle. What happens is that the driver of the truck decides to put the truck in reverse, hits the gas, and now is charging towards the deputy in front of me and myself. I'm witnessing this and aero was saying, 'Guys, get out of the way, get out of the way.' I put my car, because we're trapped, we're boxed in. Luckily there was no one behind us. I put my car in reverse, got out of the way, the deputy in front of me did the same thing and he got out of the way. Once we cleared the way, the truck stopped again, put it in drive and proceeded driving west."

Lieutenant Arellano said he continued pursuing the Suspect. He said, "And we proceeded through the streets of East LA, got on to the freeway several times, several freeways, the 710 freeway, the 60 freeway, and I stayed with the primary unit, because there was initially two of us. My intent was to allow other deputies to become involved in the pursuit. It was my intent to allow three, three radio cars and a sergeant to be involved in this pursuit. Once that was done, I will remove myself from the pursuit, monitor it from a distance, come back to the station and monitor it at the front desk." He said the Watch Sergeant, Sergeant Sean Dane, assumed the Watch Commander duties by monitoring the pursuit from the Station's desk.

Lieutenant Arellano said he felt the Suspect was trying to "crash" into other vehicles. He said, "His driving was extremely erratic. His direction of the vehicle was intended to hit others and to cause serious damage. This is a large truck, like I said, about thirty-five thousand pounds. What's going though my mind is that I had been advised that this same truck was responsible for trying to run over one of my deputies. In evaluating whether to allow to allow this pursuit to continue, that was one of the primary factors. This was a 245 on one of our deputies. I'm going to allow this pursuit to continue, and as it evolves, I will give up my position to other deputies, give up the direct supervision to the field sergeant and then, like I said, monitor from a distance back at the station. We were on the 710 freeway for a time, we were on the 60 freeway for a time."

Lieutenant Arellano said it took some time for additional units to arrive. He said the Suspect exited the 60 freeway at Atlantic Blvd and he saw the Suspect hit a vehicle at the intersection. He said, "At one point during the pursuit, as he exited the freeway at Atlantic Boulevard on the 60 freeway at a high rate of speed in that big truck, he plowed into a couple of cars, with no, with complete disregard for the safety of the people in those cars. Luckily he side-swiped those cars and didn't cause injury or damage, but it just confirmed to me that this man was dangerous. He looked like he could do some hurt to somebody.

I was comfortable with the pursuit. I was comfortable with the way aero was calling the pursuit. They were calling it as it occurred. They were providing enough information for me to feel comfortable to continue to allow this pursuit to continue."

Lieutenant Arellano said he knew Sergeant Dane had requested CHP to assume control of the pursuit. He said he knew there was one or two CHP units on the freeway, but they were not ready to assume control. He said, "There was, there was, there was confusion in our part. Sergeant Dane had made a decision to allow 'chippies,' once they were able to, take control of this pursuit, and I was good with that. As that was being broadcast, I was still involved and I could tell you that there were, like I said, one to two 'chippy' units at the time and I'm not sure who it was, but there was some radio traffic put over the air that the Highway Patrol was reluctant to take over the pursuit at this time. Now, I don't know if that came from the desk, I don't know if that came from the field, but our Sheriff's units were pulling over to the side and to allow the 'chippy' units to engage. But for whatever reason, they chose either to wait, I don't think it was a matter of if they didn't want to engage and take over the pursuit. I'm just guessing that they felt that they were waiting for some more of their people to get involved so they could actually take it over. We were willing to give it over, but we could tell that they weren't ready."

Lieutenant Arellano said he continued to pursue the Suspect back on the 60 freeway, now, along with 20S and 3-4 other units who had joined the pursuit. He said the Suspect suddenly stopped the truck. He said, "The truck stops on the freeway and again (in fact the location was the Downey Ave/3rd Street exit off ramp), I believe we're going to do a felony traffic stop. I figure okay, he's had enough. We'll do a felony traffic stop. We'll take him into custody. I am no longer the second unit in this pursuit. Do I go to another unit, I don't know who it was, I just told him, 'Go ahead, take my position'."

Lieutenant Arellano said the Suspect rammed the truck into Deputy Murillo's vehicle and he saw Deputy Murillo shoot at the Suspect. He said, "The truck stops, deputies stop, I myself stop and prepare ourselves for a felony traffic stop. The driver of the vehicle puts the truck in reverse and again starts charging at the radio car. Deputy Murillo, and I'm still trying to get the names of everyone, I've only been here three months. I'm trying to get the names and faces. He takes a position by the side of his radio car, as preparing for a felony traffic stop. The driver puts the vehicle in reverse and charges at his vehicle. He moves away from the vehicle, the truck hits his vehicle and there were now other deputies that are potentially in danger, and I witnessed Deputy Murillo fire several rounds from his duty gun and he hits the truck, well I believe he hits the truck. At that time somebody broadcasts that there's been a shooting. Driver puts the vehicle in drive again and continues. I allow several of the vehicles that were now, had caught up to us, to re-engage in the pursuit and I directed, and I don't know who it was, I just told, there were deputies there, I pointed to them and said, 'Preserve this crime scene now. Just, you're no longer engaged in this pursuit, preserve this crime scene' and that's what they did, along with Deputy Murillo."

Lieutenant Arellano further described what he saw at the shooting scene, as quoted from his transcribed interview:

Gealta: And so what was going through your mind when he stopped?

Arellano: What was going through my mind is that he stopped and that we were going to do a felony traffic stop on this truck.

Gealta: Did you, and the deputy in front of you at that point was Deputy Murillo?

Arellano: He was in front of me, but not directly in front of me.

Gealta: Tell me how he was positioned.

Arellano: He was behind the truck and off to the left. I think he had a position of advantage where he could see the driver. There was another radio car to his side.

Gealta: To his right side or left side?

Arellano: To his right, to his right side. Deputy Murillo was the most, was the vehicle at the left side, at the most left side. There was another radio car to his right side.

Gealta: And do you know who that was?

Arellano: I'm not quite sure, but I believe it was Deputy Bugarin and her partner, Deputy Hiles, I believe her name is, two females.

Gealta: Can you spell those names for me? Do you know --

Arellano: Bugarin is B-U-G-A-R-I-N and I think that her name was Hile, H-I-L-E, her last name.

Gealta: And so they were to the right?

Arellano: I believe so.

Gealta: And slightly behind Murillo or right next to him?

Arellano: No, slightly behind him.

Gealta: And then where were you?

Arellano: I was off to the right.

Gealta: Off to their right --

Arellano: Yes, yes.

Gealta: To the two female officers' right?

Arellano: And at a distance, I had given myself room to the right, to allow any deputies that were behind me to take their positions in front of me, so that I could supervise and monitor this, this, what I thought was going to be a felony traffic stop.

Gealta: So the truck stops and then the deputies and you stop and then what happened?

Arellano: Deputy Murillo gets out of his car, draws his weapon, the truck backs up and hits his car.

Gealta: And how much time, from the time that you guys stopped to the time hit his car, would you say went by?

Arellano: Seconds. Well, very quickly.

Gealta: And so the truck hits his car and then what happens?

Arellano: Deputy Murillo fires at the truck.

Gealta: Do you know how many rounds?

Arellano: I do not.

Gealta: Could you, did you actually have a visual on Murillo from where you were at?

Arellano: Yes.

Gealta: Could you tell me where, in relation to his car, he was standing? If you saw, if you didn't --

Arellano: I'm sorry?

Gealta: In relation to his vehicle –

Arellano: Yes?

Gealta: The patrol vehicle, where was Deputy Murillo standing?

Arellano: He had just exited his vehicle, the door was open, he drew his weapon, he starts to back away from the, from his, his radio car. As the truck hits his radio car, starts to move his radio car, he fired.

Gealta: And I'm sorry, you said you did not know how many rounds he --

Arellano: I know it was more than one.

Gealta: Now, do you know what was behind the truck? Could you tell or could you see what was on the other side of the truck?

Arellano: There was nothing on the other side of the truck. Now, from what I can recall, as far as the position of the firing, Deputy Murillo was not directly behind the truck let's say. He was more of at an angled-type position. His direction of fire, I can tell you, was in through the cargo area, I believe into the cargo area of the truck, and that's where I believe I saw him shoot into.

Lieutenant Arellano said there was no time to formulate a plan to approach the Suspect. He said, "No. Not, not that I saw. I think it all evolved just so quickly before anybody could really formulate any type of plan; this is how we're going to do this felony traffic stop. We didn't have that opportunity."

Lieutenant Arellano said at this point he disengaged himself from the pursuit and returned to the Station and monitored the incident from the desk. He said, "I don't think I ever got, got on the air and said that I was actively disengaging from the pursuit. I do know that I had eye contact with the sergeant and I believe I confirmed with S.C.C. that we now have four units involved in this pursuit and the supervisor, and I was comfortable with that number. Then I backed away and got off the freeway. It was the 60 freeway, I can't tell you what off-ramp I got off on. The pursuit went into the southbound 710 freeway. I did not follow it. I stayed on the 60 freeway and got off at the closest exit to the station, came to the station, came inside, and monitored the pursuit from inside."

Lieutenant Arellano said this pursuit was unusual because he was in the field when Deputy Yee advised he was rammed by a stolen vehicle suspect. He said he found himself placed and involved in the pursuit when he was en route, to what he thought was Deputy Yee's location. He said, "I do remember asking S.C.C. to confirm that this was a 245 on a deputy vehicle, and not just a stolen vehicle, because if it was only a stolen vehicle, it would have never had gone more than two minutes. And S.C.C. confirmed that this was a 245 on a deputy, and with that information, I felt that this was a pursuit where I can confidently allow it to continue within the confines of the, of our policy. I believe we were within policy. Witnessing this driver's driving, I was convinced this is a, this is definitely a 245 vehicle. He is actively trying to injure somebody, trying to crash, he's trying to cause damage. I know that there were a few other things I said on the radio, but right now I can't come to mind, but I can tell you things that I put over the radio, without trying to interfere with the course of the pursuit, was to do my best to manage what I had.

My job is to manage the pursuit."

Lieutenant Arellano also said, "I am used to monitoring and supervising pursuits from inside the station. The majority of the pursuits that I've been involved in or witnessed before, that's typically what happened. The watch commander monitors from the inside. Deputy (Sergeant) Sean Dane, who was sitting as the watch sergeant, he took the role as the watch commander during this pursuit. Went and monitored the pursuit as 20 Lincoln in the field. We listened to the broadcast, both of us, as to what was going on and I believe he and I did a pretty, pretty decent job of trying to interpret what we were trying to do with each other to monitor this pursuit. He was on the inside, I was on the outside and was actively witnessing the driving and what was going on in the field. I must say maybe, maybe fifteen minutes into this pursuit, Sean had made a decision from the inside to see if CHP would pick up this pursuit and we would allow them to pick it up. I would have preferred to have stayed with the pursuit, because of the nature, of the crime involved with many of our deputies. It was a serious felony. It was dangerous, but Sean had made a decision and I was good with it. But it took quite some time for, to get enough units from the Highway Patrol, in my opinion, to safely and effectively continue in this pursuit."

IAB Note: See Lieutenant Arellano's transcribed interview for further information.

See Exhibit "A" pages 16A-16C for a supplemental report authored by Lieutenant Arellano documenting his involvement and supervision of the pursuit, what he saw when Deputy Murillo shot, and the direction of travel the Suspect took during the pursuit.

IAB Note: See Exhibit "F" for East Los Angeles Station's PURSUIT EVALUATION form witten by Lt. Arellano.

LECRIVAIN, John, Sergeant

Sergeant John Lecrivain was interviewed on November 21, 2009 at 2033 hours by Sergeants David Bly and Jessica Brothers. The interview took place at East Los Angeles Station and was recorded for review. The following is a summary of his interview.

Sergeant Lecrivan said he was working a two person unit, 20S PM with Sergeant [redacted]. He said they were monitoring the field units and Aero in their attempts to locate a stolen milk truck. He said, "It was being tracked by GPS fleet tracking system, that the owners of the company employ. Our desk was on the line with that, with that company attempting to put us in a location where the vehicle was. Because the, because of the delay in the GPS system and the fact that it's based off of cell phone towers, pin pointing the vehicle was becoming increasingly frustrating as units rolled all over the RD. I told them to 22 their search of the vehicle and let Aero continue their search for it. About two minutes before the radio traffic started. I don't know exactly what time it was. Maybe 1:20, somewhere around there."

Sergeant Lecrivan said the units positioned themselves in a felony stop formation. He said, "They positioned themselves for a felony traffic stop. I saw Deputy Murillo exit his car, I saw Deputy Hile and Bugarin exit their vehicle to take positions of cover. Where they could get in position. I saw the taillight or the reverse lights come on in the truck and the suspect drove right toward Deputy Murillo. Deputy Murillo moved to his left and fired at the suspect's truck." He said from the time the truck started backing up until Deputy Murillo fired was seconds.

Sergeant Lecrivan said he was seated in his patrol car when he saw Deputy Murillo shoot at the suspect. He said, "I was still, well I went, started to get out of our car, but when I saw the reverse lights come on, I got back in the car, because I wanted to get back out of the way. If he was going to come plowing through all of us. So from inside the vehicle I could see just as his reverse lights came on, I saw Hile and Bugarin retreating to their vehicle and trying to get back in, but the suspect's truck, I believe it collided with Deputy Murillo's vehicle before that. While he was firing at him."

Sergeant Lecrivan said Deputy Murillo shot approximately ten rounds at the Suspect. He said he thought the Suspect was trying to run over Deputy Murillo. He said, "He was trying to get out of the guys', from my point of view it looked like Deputy Murillo was trying to get out of the way, but the guy was actually angling his truck toward him. So like he was trying to run him over. And there wasn't enough room I don't think for Javie to get out of the way of the, you know to run off the embankment anywhere. When the guy started to back up toward him, he started to get away from his car, but the guy, the suspect appeared to be angling toward, toward Javier as he was trying to get away from his car."

Sergeant Lecrivan said Deputy Murillo was shooting at the Suspect at the same time the truck was backing up toward him. He said he (Sgt. Lecrivan) transmitted "998."

Sergeant Lecrivan said the Suspect fled on the off ramp and again he and Deputies Hile, Bugarin, and Navarette pursued him. He said, "I did not, I could not see where they (bullets) impacted. It looked to me as though he was aiming at the cab, but I couldn't see at that point where they impacted. The suspect took off again. We re-engaged the pursuit. I made contact with the lieutenant, asked him to stay with Javi, and we continued in pursuit onto the freeway. I'm sorry, we got off, the guy got, we got off on 3rd Street, the guy got back on the 60 freeway heading eastbound."

Sergeant Lecrivan said they continued to pursue the Suspect until CHP assumed control. He said, "We continued on the pursuit. I don't remember where we went now. We drove all over creation. The 60 freeway to the 710 north. We were directed by the watch commander to, once CHP was, actually we had been asked before to let CHP take it. We actually did, actually before the shooting we tried to wave a CHP unit in, but he didn't want to engage at that point. Only because he was by himself. We were directed again, I asked if the watch commander wanted us to stay in the lead on the pursuit. We were asked again to let CHP take it. Just before, we went northbound on the 710. That 60 interchange drops you off just short of Ramona, between Caesar Chavez and Ramona on

the 710. There was a lot of traffic. The guy made some moves like he was going to go north on the 710, but then merged onto the westbound 10 freeway. At that point I noticed several CHP units behind us. I directed my guys to get out of the way so CHP could take over the pursuit and on the interchange they did. They pulled over, let CHP go in the lead. Although instead of continuing down the merge ramp, the suspect drove over the median and got onto the westbound 10 freeway."

Sergeant Lecrivan said CHP units waited to take control of the pursuit until they had units in place. He said, "No, no. We were still engaged. We were told that when CHP was in position, to allow them to take over the pursuit. At that point I think there might have been four or five. They kept coming in from behind me. I lost count of them, as they were on the freeway. The guy drove right by their office. It wasn't hard for them to get into it. I think that's why they engaged us where they did, is because they can get on the northbound 710 freeway from their office right there, when we came off the 60. So came back down the 710 freeway from the 10. We went to the 5 south. He got off on Triggs in the City of Commerce, went down to Triggs, made a left turn and went up Atlantic a short distance and then went westbound on Telegraph, got back on the 5 freeway north, shot across the 710 interchange, went northbound on the 710 to westbound 60. He took the 60 to, I don't know which way we went to get off there. I think it's the 5 north or the 5 and the 101 and the 10 all mixed. I think it's the 5 north, but then he immediately exited at Soto, went down Soto to 8th, got back on the freeway and then he got off again at 7th or 8th, I don't remember exactly. I was, at that point I was probably about twelve cars back."

Sergeant Lecrivan said he was not sure of all the streets and freeways the Suspect traveled, but he canceled all Sheriff's units from the pursuit. He said the Watch Commander authorized four units to trail the pursuit. He said, "Then we trailed them. We were told to keep three units and 20 Sam the trail the pursuit, which we did. There was some, I think there might have been a terminology for surveillance mode, because it's an inappropriate use of that term. Either we're out of the pursuit or there's no pursuit. I think somebody at the desk said that and it got onto the airways, but that's, that was never our intention to go to surveillance mode and I don't think that came from the watch commander. And I think he meant for us to be trailing the pursuit, because that was the direction we were given initially."

IAB Note: Radio traffic revealed; at 1355 hours 20L authorized units 20S, 20B2, 24, and 25A to track the pursuit. At 1358 hours SCC advised all Sheriff units are to be in "surveillance mode."

Sergeant Lecrivan said CHP air units arrived, but he requested Air-8 to follow the pursuit. He said, "Yeah. And they pushed our air ship off. Our air ship stayed to keep us, because we didn't have any communication. To keep us in contact with the pursuit. That was at my direction. I asked them to stay, so that they could keep us in contact."

Sergeant Lecrivan said they tracked the pursuit with the updates from Air-8 until the Suspect collided and the pursuit terminated. He said, "I think that Alameda, just past Alameda the blue line starts there. He dove into the blue line median and drove westbound Washington through the blue line. And I'm not going to remember what the exact streets are, but he made a large U turn through some streets, off of Washington north and was up around on the Washington and they continued back eastbound. He jumped back into the blue line median, in an area that he hadn't been in before, because I don't think he expected the railing that was in the middle of the blue line there. And that's when the rail stopped him. He bailed out of the truck, CHP effectively blocked my units and myself and they went, they followed him into a parking lot just adjacent to where he bailed out and they came out with him in handcuffs from there."

IAB Note: See Sergeant Lecrivan's transcribed interview for further information and Exhibit "A" page 27 for a supplemental report authored by Sergeant Lecrivan.

[redacted] Sergeant

Sergeant [redacted] was interviewed on November 21, 2009 at 2305 hours by Sergeant Diana Gealta. The interview took place at East Los Angeles Station and was recorded for review. The following is a summary of his interview.

Sergeant [redacted] said she was working a two person car, 20S PM with Sergeant Lecrivan when they heard radio traffic units were trying to locate a stolen truck. She said the search was canceled because no one had a visual contact on the truck. She said, "You know what, we're not going to go all around town looking for this thing. Because we didn't have an exact location. They're just putting out different locations, 'Okay, it was last seen here and now it's here.' But you know, so we couldn't pinpoint it, at which point they said, 'Okay, let's 10-22 everything.' Nobody had a visual on it. I want to say maybe five minutes after that, the 27 Tom, Deputy Yee says he's just been hit by the vehicle, rammed."

Sergeant [redacted] statement was similar to Sergeant Lecrivan's statement concerning what they heard and when they became involved in the pursuit.

Sergeant [redacted] described what she saw when Deputy Murillo shot at the Suspect. She said, "Then we go off onto the Downey off-ramp there. He stops, so we all stop, stop our vehicles. Two of our female deputies, Hiles and Bugarin, they get off of their vehicle and also Deputy Murillo gets off. We're thinking, you know, he's going to get off the car, he's stopped. At which time he starts backing up into the, towards our female deputies. I had, I had my door open, I was going to get off on the passenger side. He starts backing up at a good speed towards them, at which time I look over, I see Deputy Murillo is you know, he looks over at the females, then he sees the truck coming towards him, because it's just kind of weaving side to side. He just doesn't know how, which way to maneuver it. At which time I see Deputy Murillo shoot I would say about, at least ten shots and then he starts going again. Sergeant Lecrivain says, 'Hey, get back in the car. It's going again.'

and we just keep going, I think we got off on Soto, then we got back on the freeway"

Sergeant [redacted] said there was 4-5 units on the off ramp when Deputy Murillo shot. She said, "Let's see. I was, there was Murillo, and then you had Bugarin and Hiles, they were in front and I believe there was two other cars in front of us. I believe it was, or a 20 Lincoln and another vehicle. I don't know who was in it, and we were behind that, that vehicle."

Sergeant [redacted] said Deputy Murillo was stopped 15 feet behind the Suspect's truck when he shot. She said, "I'm not sure if I think he did hit his car. I think he did hit Murillo's car, from what I saw, but I was trying to get back into the vehicle, because now he's going to take off and Murillo's, that's when he shot."

Sergeant [redacted] did say that the Suspect exited off the 60 freeway at Atlantic Blvd and collided with a civilian vehicle after Deputy Murillo's shooting.

IAB Note: According to radio traffic and all other Department personnel interviews the Suspect's traffic collision occurred before Deputy Murillo's shooting.

Sergeant [redacted] said the CHP took control of the pursuit. She said, "He's like a machine, he's just going, and this is a big, heavy truck. Many times, it looked like he was going to flip it and I'm surprised that nobody got really seriously hurt. He, it looked like he was out to hurt anybody, anyone, he didn't care. Then, you know, CHP had taken it over at that time. They took it over. He tried to ram at least three CHP officer vehicles, and then at the termination of the pursuit over on Washington, CHP you know, they had the handle, they took him into custody and we we're just, we just pulled up behind and they already had him in cuffs and everything, and that was it. That was our part in the pursuit."

Sergeant [redacted] said they were authorized to track the pursuit. She said, "Not too long after that. It just took them a little bit to catch up, you know. I know that, I heard the watch commander say, 'Let CHP have it, let them have it.' We were, it was the radio traffic that was coming out, per our watch commander, and actually our watch commander had already returned to the station at that point. The Lincoln unit who was with us, we didn't know, you know, we couldn't tell now who's in the cars, who's who, but apparently he was back here, and he authorized us and I believe two, two other units or three units, to stay with the pursuit, just to stay, to track it while CHP you know, continued the pursuit. So, we just remained you know, back from where CHP had the pursuit. We stayed back. We were following, but we stayed back."

Sergeant [redacted] said, "We came to the termination of the pursuit, he T.C.'d. We were actually, we came around the corner when he had already, we saw the truck that was on the railroad tracks. So he had already T.C.'d and so when we came up, they said that, aero said, 'Hey, CHP has him in custody.' so."

IAB Note: See Sergeant [redacted] transcribed interview for further information and Exhibit "A" page 27A for a supplemental report authored by Sergeant Lascano.

NAVARRETE, Ronald, Deputy Sheriff

Deputy Ron Navarrete was interviewed on November 21, 2009 at 2200 hours by Sergeants David Bly and Jessica Brothers. The interview took place at East Los Angeles Station and was recorded for review. The following is a summary of his interview.

Deputy Navarrete said he was working a one person car, unit 24 days, and he was helping units search for a stolen truck. He said the truck had a GPS unit and they were getting udates of the truck's location. He said, "So they're pinging the GPS. It was giving different areas. During which time Aero started flying around, Aero came over and started looking for the car or the truck. 27 got on the patch while we were all still looking for it, "Hey, the 10-29 Victor vehicle just rammed me." and then Aero came over head. And then Aero gave directions and I couldn't tell you the directions and which way he was going."

Deputy Navarrete said he traveled north on the 710 to the eastbound 60 freeway when he saw the Suspect. He said, "No, I didn't see it until I was starting to come over, when I exited Lorena, because Aero is still overhead, flying over and as Aero was flying over, they were trying to guide me in, because I was the first unit on scene. There was another unit that came up behind me, that I came later to find out that it was the watch commander."

Deputy Navarrete said he followed the truck to 4th Srteet and the truck stopped and started to back up. He said he stopped thirty feet behind the truck. He said, "Then the truck went into reverse. He put it in reverse, the white lights came on and started backing up. That's when Aero got on the radio and said, 'Hey, unit, you need to back up, because he's backing up'."

Deputy Navarrete said he backed his vehicle away from the truck and the truck then took off again. He said other units now joined the pursuit. He said, "Aero called the pursuit. So we followed, during which time the last time, then we started getting more units coming. So I was the lead vehicle, then I believe Deputy Murillo, who's 21, was the second vehicle. I want to say 20B2 (Deputies Hile and Bugarin) and then 20 Lincoln was there also."

Deputy Navarrete said they followed the truck to the 60 freeway to the Atlantic exit where the Suspect collided with a civilian vehicle. He said, "I think it was off of Atlantic, he ran right into a Camry and spun it out. I know he hit some side view mirrors maneuvering through there and then he hit that other car, the Camry and he hit that car pretty hard."

Deputy Navarrete said they followed the truck on the 60 freeway to the Downey Rd exit. He said the Suspect stopped the truck on the off ramp with Deputy Murillo 15 feet behind

the truck, with Deputies Hile and Bugarin to his right, and himself positioned to Deputy Murillo's right and rear. He said, "During which time, as Murillo starts getting out of the car, he starts backing up. Starts backing up pretty quickly. Backs up, backs up, backs up. Murillo is starting to barely get out when he hits the car. He finally, he gets out and as he gets out, then he engages well he fires. He shoots at the cab of the vehicle."

Deputy Navarrete said Deputy Murillo shot 8-10 rounds within seconds of the truck backing up and hitting the patrol car. He said Deputy Murillo was a little more that 3-4 feet away from the truck when he fired his weapon. He said, "Javier gets out and almost, he, I thought he was going to fall, because he almost, I thought he almost hit him, he was going to hit him. Because as he was coming back so fast. So then he gets out and then fires into the cab, shooting the cab." Deputy Navarrete said he saw glass falling to ground from the cab area.

Deputy Navarrete said before the shooting he heard radio traffic that the Suspect could be 417. He said, "What did I, I remember them saying that he could have been 4, that he was 417 now, I can't recall whether they said there's a good possibility he is or, I just remember the 417."

Deputy Navarrete said the Suspect fled the scene with him and other units in pursuit. He said, "Myself, other units that were with me. The person who was to my, or just north of where Murillo's car was, and then the other cars that were behind us. I didn't know, because I was technically the lead vehicle at the start of this thing. So I pretty much just stayed there until CHP took it over. Aero was continuing to call the pursuit. I think they called the pursuit the whole way through. Even after CHP took it over, to give us an idea of where the truck was."

Deputy Navarrete said CHP took control of the pursuit and units were ordered to go into "surveillance mode." He said, "It came over the air. They only wanted three units to stay somewhat loose in the area with CHP, but be in surveillance mode and I was one of the three units. I want to say 20B2 and there was another, I remember seeing the sergeant, because he was right behind me."

Deputy Navarrete said he was over a block away when he saw the Suspect collide with the Metrolink rails. He said, "So he hops back on the tracks and then during which time he starts hitting the big, thick metal barriers or metal poles and then finally the car comes to a stop. He goes running out."

Deputy Navarrete said CHP took the Suspect into custody and then turned the Suspect over to Sheriff units.

Deputy Navarrete said he interviewed the Suspect. He said, "I interviewed, you guys have probably interviewed the suspect also, but we already, we did an interview and he pretty much copped out to everything that, he does remember ramming the cars. He said he was trying to get away and obviously stated that at no time did he, when we were interviewing him, only because my, because he was also my victim, now he's a suspect,

but he also stated that he didn't even think about stopping. That wasn't crossing his mind. He said he was scared. He said he didn't want to go to jail. He was a victim of an attempted murder in which "Lopez Maravilla" stabbed him I want to say eleven times between I want to say the left side of his hip, all the way up his chest. To the upper chest area. They did him pretty good. They were trying to kill him. According to him and his girlfriend's a long time "Lopez Maravilla" associate."

IAB Note: See Deputy Navarrete's transcribed interview for further information and Exhibit "A" pages 60-62 for a supplemental report authored by Deputy Navarrete.

HILE, Stephanie, Deputy Sheriff

Deputy Stephanie Hile was interviewed on November 21, 2009 at 2321 hours by Sergeant Diana Gealta. The interview took place at East Los Angeles Station and was recorded for review. The following is a summary of his interview.

Deputy Hile said she was working a two person car, unit 20B2, with Deputy Maybet Bugarin when they helping units search for stolen truck. She said, "Well, we heard traffic for 10-29 Victor, a vehicle that they were looking for. We were in the area, looking for the vehicle. The search was 10-22 per our watch commander, because it was located by GPS system and we weren't sure whether or not the thing was pinpointing an exact location. So they 10-22'd us. So we were gosh, I think near Washington, or somewhere near there, Washington and like the 5 freeway, when we heard emergent traffic come out from 27 Tom, and we responded towards his location, but they indicated for us to go ahead and respond to Lorena and the 60 freeway, which is where the suspect was at the time. He was driving the vehicle, because he apparently had, had a traffic collision with 27 Tom and left from there and other units picked him up, the suspect vehicle, and they were in pursuit of him. So we engaged in the pursuit and basically we stayed with the pursuit until it terminated."

Deputy Hile said Aero was directing units to the Suspect's location and they drove to Lorena and the 60 freeway. She said the joined the pursuit there along with other units. She said, "It was around the 60 freeway and Lorena. At the time that we initially started, or got there, I should say, I want to say maybe five or six. I can't really remember approximate, that's approximate."

Deputy Hile said the Suspect was driving erratically. She said, "Basically, as he was driving, he would swerve to the left and to the right. The vehicle appeared like it was going to topple over, when we saw it. I used to actually drive a vehicle similar to, coming out of the Sheriff's Department, and I know when they don't have a lot of weight inside that, that cab area, a lot of times, they can tip over you know based on whether or not they have a heavy load, they don't have a heavy load. So I just kept thinking to myself; he's going to flip the car over, and he kept pulling in front of other traffic, not oncoming traffic, but say he was heading you know, like eastbound on a street, he would pull off in front of them and we thought he was going to hit you know, other vehicles, civilian vehicles, based

on the way that he was driving. He would jerk the car you know, to the left or to the right and the top end, or let's just say the back end of the cab area, would just like, swing, with the you know, the severeness of his, I'm assuming pulling at the wheel you know, whatever direction he was turning and it, I actually thought he was gonna hit people, you know."

Deputy Hile said she was not sure if the Suspect collided with a civilian vehicle. She said, "Not to my knowledge. I never saw him you know, actually physically, because there were people in front of us. There were other vehicles, other black and whites in front of us. So I didn't get to actually see him hit other vehicles, make contact with them, but from what I saw, I actually thought that maybe he might have hit a couple of vehicles at the time that we were engaged in the pursuit."

Deputy Hile said they pursued the Suspect and he stopped on an off ramp from the 60 freeway. She said, "One point I remember, on the 60 off-ramp, near Downey Road, he stopped. As we were, like I said, we were kind of far back, we were like maybe the fourth or fifth car maybe, I'm not sure. I see the vehicle stop, we stop our vehicle and we're going to exit, or I'm exiting the vehicle rather, and I see the vehicle's reverse lights come on, and again you know, it's really fast, everything happening, and I see the reverse lights and I'm just thinking, you know, I want to protect myself, and at that time, he was pretty far ahead of us. I didn't know whether or not he was going to hit us, because the car, I mean, the vehicle, the truck kept reversing and at that point I heard popping noises and I saw Deputy Murillo had his firearm out. I'm assuming he shot. I didn't actually see him firing the round, I heard the popping noises, and I see his firearm in his hand, but at that time, because the vehicle now stopped and it started going forward, we got back into our vehicle and we continued forward."

Deputy Hile said approximately mid way through the pursuit CHP took control and Sheriff units dropped back and tracked them. She said they tracked the pursuit until it ended. She said, "He got on the center tracks for the MTA trains and he hit some poles that were apparently in the center of the lanes, or the center of the tracks rather and that's when the vehicle actually yielded. He exited the vehicle and began to run but at that time, the pursuit had been, CHP was in front of us. So we were, gosh, almost like I want to say maybe eight or ten cars behind. So by the time we were actually getting out of our vehicle, I saw him run and head into a business. I believe it was at 631 Washington Boulevard, headed in there. CHP pursued him. Me and my partner went over to the milk truck that he was driving, the truck that he was driving, and we cleared it to make sure there was no other suspects or victims inside the vehicle."

Deputy Hile said they escorted the Suspect to the hospital. She said, "You know, when we took him over to the County USC Medical Center, medical staff, you know, asked, you know, why he was brought there. We indicated to him what had happened and then they contacted the suspect and they asked him if he knew where he was and why he was there and basically he stated to them, and I noticed as he was talking to them, that his eyes were very wide. His pupils appeared dilated, even though it was a fairly bright room. They didn't appear to be constricted. I didn't measure them at the time, because he was

being examined, obviously, but they asked him why he, if he knew why he was there and he said that he had gotten to the vehicle, the keys were running and he took it. He said he was paranoid, because he had did meth earlier that day, because he had, I don't know how long ago this happened. He was a victim of attempt 187. He indicated Lopez Maravilla gangsters had stabbed him and he thought they were following him, so."

IAB Note: See Deputy Hile's transcribed interview for further information and Exhibit "A" pages 25 and 26 for a supplemental report authored by Deputy Hile.

BUGARIN, Maybet, Deputy Sheriff

Deputy Stephanie Hile was interviewed on November 21, 2009 at 2155 hours by Sergeant Diana Gealta. The interview took place at East Los Angeles Station and was recorded for review. The following is a summary of his interview.

Deputy Bugarin said she was working a two person car, unit 20B2, with Deputy Hile and they were searching for a reported stolen truck. She said she was the driver. She said, "How it came to my attention, there was a 503 report call that initially came out. Then there was a broadcast that was put out, over dispatch. Apparently the vehicle had GPS and we were being updated through LTAC in our vehicle. So in an attempt to try to find this vehicle, we were 927Cing the area, which shortly after that, there was a deputy (Yee) that had 10-33 traffic and stated that he had been hit by the vehicle that was described to the, through the MDT and over LTAC and the, over dispatch through the broadcast. At that point we were involved in the pursuit of this vehicle and I don't remember what freeway it was, but I know it was, like, it was an on-ramp, I believe. At which point the stolen vehicle came at a stop in the middle, in the middle of the lane, and there was several black and whites in front of us. So I wasn't able to see completely everything, but I know I heard shots. I also saw, because the, the stolen vehicle was like a large, like delivery truck and I could see the brake lights or, I could see the vehicle going in reverse and hitting another black and white. At which point, I saw, I heard shots and saw a deputy backing up, and I got in my car and started backing up, too, because he was going to keep going."

Deputy Bugarin said they heard Deputy Yee's 10-33 broadcast and at first they were responding to his location, but then joined the pursuit of the truck. She said Aero was calling out the truck's location. She said, "They authorized us to respond. So we were, you know, we were in pursuit of this guy along with two other black and whites, I'm not too sure. It (truck) was, it was going from, it was driving extremely erratically on, erratic on the freeway. It was going from the number four lane to the number one lane, attempting to exit and then not exiting and going, and staying on the freeway. It almost, I believe at one point we exited on Atlantic on the 60, and hit another vehicle. Then we got back on the freeway, it kept exiting different off-ramps and then getting back on the freeway. He almost hit other cars. It was going through red lights, stop signs, driving on the wrong side of the road. He was doing a variety of traffic violations."

Deputy Bugarin said did not know what off ramp they were on when Deputy Murillo shot at the Suspect. She said she only heard several shots and did not see Deputy Murillo shoot at the Suspect. She said they were going to conduct a felony traffic stop. She said, "He was right behind him. Well, the deputy (Murillo) was getting out of the vehicle to do obviously a felony T stop. At that time, the stolen vehicle was in reverse and hit the black and white, and I saw, and then obviously I heard the, the shots fired. I know that the car, he hit the car, because I could see the light bar you know, move. I saw the deputy stepping back fast. So then, at that point, the guy put it in drive again, the suspect, and took off again and then I made my way through the black and whites and continued."

Deputy Bugarin said CHP took control of the pursuit. She said, "I believe the watch commander, the acting watch commander said that, you know, that he wanted to, CHP to try to take over the, the pursuit, but there, I don't, there was, CHP wasn't responding at all. It took them a while for them to respond. At that point, I believe it was the watch commander said, 'It's okay. I want CHP to take over, but I, you can go on surveillance and just track it.' I believe he said. Yes, but we still had, they had only given a couple vehicles the authorized, I don't want to say code, but the authority to...."

Deputy Bugarin said they tracked the pursuit until it came to an end. She said, "Finally the vehicle came to a stop. It started driving in the, on the railroad track, the MTA railroad track I think. Started driving in between that, or on it and it hit some, it hit, what I think were metal poles and it stopped. It crashed into that and then I saw the suspect running out into a business. He ran out of the vehicle and into a business and I saw some CHP officers attempt to, were following him or running after him and then that's all I, that's, and then the CHP officers had detained him and then me and my partner took, took the suspect into custody."

Deputy Bugarin said they escorted the Suspect to LCMC where he admitted to staff he had used drugs earlier that day.

IAB Note: See Deputy Bugarin's transcribed interview for further information and Exhibit "A" page 24 for a supplemental report authored by Deputy Bugarin.

FONSECA, Angel, Deputy Sheriff

Deputy Angel Fonseca was interviewed on November 21, 2009 at 2124 hours by Sergeant Diana Gealta. The interview took place at East Los Angeles Station and was recorded for review. The following is a summary of his interview.

Deputy Fonseca said he was working a one person car, unit 27 days, when he was helping units locate a stolen truck. He said he heard over the radio that the stolen truck had just rammed into Deputy Yee's vehicle. He said, "Approximately, I would say about a half hour later, aero went overhead and there was an incident with another deputy in Commerce that apparently got rammed by the stolen vehicle. They requested assistance and I started responding towards the location of where aero was directing the units to respond to. I got involved in the pursuit."

Deputy Fonseca said other units were in pursuit, but he does not know how many or in what order. He said, "What unit or what number I was, I don't know. Ended up getting on the 60 freeway going eastbound, following the stolen vehicle. During the following of the vehicle, the vehicle ended up exiting the freeway at Atlantic, where it apparently got into a traffic collision with a, what I saw was one vehicle. It wasn't a police vehicle. Continued following the vehicle to the freeway, off of Atlantic, westbound on the 60 freeway. I'm heading westbound on the 60 freeway when all of a sudden the vehicle decides to merge into the off-ramp of Downey Road."

Deputy Fonseca said he saw Deputy Murillo shoot at the Suspect. He said, "At that point, I'm the second unit on the pursuit. There's another unit in front of me. The vehicle comes to an abrupt stop. The unit beside me, which was Deputy Murillo, he's on the left, I'm on the right. We position our vehicles to do a felony traffic stop. As we come to a stop, the suspect of the vehicle comes toward our direction, in reverse. I see that the vehicle is coming in our direction. I have my door open, I get back in the vehicle and at that time I see Deputy Murillo pretty much exit his vehicle as the car is ramming into his patrol car. As Deputy Murillo is getting out of his car, I see him shoot five to six rounds. That's pretty much what I saw, and then my focus was pretty much on the suspect vehicle. At that time, after the suspect vehicle rammed Deputy Murillo's patrol car, it starts heading off of the off-ramp onto 3rd Street. At that point, I become the first unit in pursuit. I continue pursuing the vehicle that apparently gets back onto the eastbound 60 freeway."

Deputy Fonseca said he thought they would conduct a normal felony stop. He said, "At that point was pretty much just like what we normally do on a felony traffic stop. We both were trying to get out of the vehicle at the same time, pretty much trying to keep an eye on the driver. Unfortunately, since there everything was evolving so fast, that we didn't have time to actually get out of the vehicle. Like I said, I was, I had my door open, but once I saw the car pretty much backing up and because I was on the right side, I felt that if I was stationed outside of the vehicle, there's a possibility I could have got hit. So I felt safer being inside the vehicle instead of being out of the vehicle."

Deputy Fonseca said he knew there were other patrol cars at the stop with him, but he did not know who.

Deputy Fonseca said the Suspect drove erratically. He said, " The suspect vehicle was pretty much almost doing kind of like, what I would say a CHP traffic break, where it's swerving from side to side. To me, it appeared that it was trying to ram other vehicles in order for us to assume that we would stop pursuing the vehicle. Based on his, pretty much him driving erratically, tried to keep a distance from not pushing him to kind of speed up. So, close enough but far enough to be in a safe distance."

Deputy Fonseca said he continued to pursue the Suspect until he ended his participation in the pursuit. He said, "All of a sudden, the suspect vehicle jumps over the center median of the freeway onto the westbound 10 freeway. I continue to follow the vehicle, but on a pretty much, on the lateral side, not behind the vehicle. My purpose for following the vehicle on the side was because it was a transition, a transition to the 10 freeway, there was other vehicles that were POV.'s that were actually trying to get onto the 10 freeway.

So I was trying to make sure they didn't get into the pursuit there. During that time, somehow the suspect vehicle, I end up in front of the suspect vehicle. The suspect vehicle jumps over the median again and now the suspect vehicle is behind me. I believe that the suspect vehicle is apparently trying to either ram my car. So I accelerate to try to avoid getting rammed, and I jump onto the 10 freeway, still leaving the suspect vehicle on the transition. He jumps over the median again, as if trying to follow me and try, what I believe, try to ram me. Aero gives me the head's up to pretty much get out of the way at which obviously just by me looking at the rear view mirror, it was a smart thing to do. So, and I accelerate, pull away and I ended up exiting on State Street where apparently the pursuit continues on. I believe it's the 5 northbound. So pretty much, after that, my involvement on the pursuit was ended."

Deputy Fonseca said he was never on the radio and Aero called the pursuit from the beginning.

IAB Note: See Deputy Fonseca's transcribed interview for further information and Exhibit "A" page 62-A for a supplemental report authored by Deputy Fonseca.

CASTELLANOS, Nicolas, Deputy Sheriff

Deputy Castellanos wrote a supplemental report documenting what he saw and his involvement in the pursuit.

Deputy Castellanos stated he was working unit 25A PM when he heard over the radio that the stolen truck had just rammed into Deputy Yee's vehicle and Aero had an observation of the Suspect. He said he responded code-3 to the Suspect's location as Aero directed units to the pursuit. He said he arrived at 4th street, west of Indiana Street, and saw the truck backing up toward patrol units who were backing away from the Suspect. He said the Suspect fled and he pursued the truck onto the westbound 60 freeway.

Deputy Castellanos said the Suspect exited at Downey Road off ramp and stopped on the off ramp. He said he and several units stopped behind the Suspect. He said he saw the Suspect accelerate in reverse toward Deputy Murillo's vehicle. He said he saw Deputy Murillo exit his vehicle right before the Suspect struck the patrol car. He said at the same time he saw Deputy Murillo fire several rounds from his handgun at the Suspect. He said the Suspect then drove forward on the off ramp and he (Deputy Castellanos) and several units followed the Suspect.

Deputy Castellanos said he and several units were authorized to follow the pursuit in surveillance mode. He said the pursuit ended at 631 Washington Blvd, Los Angeles, where he saw CHP officers had the Suspect in custody.

IAB Note: See Exhibit "A" page 59 for a supplemental report authored by Deputy Castellanos for further information.

CIVILIAN STATEMENTS

[redacted]

[redacted] is 9 years old and lives in the neighborhood [redacted] of the [redacted] on ramp to the [redacted] freeway. He said he was in his livingroom watching television when he heard a loud crash coming from the direction of the freeway. He said he looked out the livingroom window and saw a deputy (Yee) pointing a gun. [redacted] said he saw the deputy fire his gun and he heard 5-6 gun shots. He said he then ducked down and called for his mother.

IAB Note: See Exhibit "A" pages 14 and 15 for further information.

[redacted]

Mr. [redacted] lives in the neighborhood [redacted] of the [redacted] on ramp to the [redacted] freeway. He said he standing on the sidewalk in front of his house when he look toward the [redacted] on ramp where he saw a delivery milk truck back up onto a patrol car. He said he then saw a deputy (Yee) exit the patrol car and fire 5-7 gunshots at the truck. He said the truck then drove away north on the on ramp.

Mr. [redacted] said he followed the truck on his motorcycle northbound on the 710 freeway. He said he saw a male Hispanic was driving the truck and the truck swerved toward him. He said he stopped following the truck because he thought the Suspect was trying to hit him.

IAB Note: See Exhibit "A" page 67 for further information.

[redacted]

Mr. [redacted] lives in the neighborhood [redacted] of the [redacted] exit from the [redacted] freeway. He said he heard sirens and looked on the [redacted] off ramp where he saw a white van back into a police car and heard approximately 10 gunshots. He said he ran inside his house.

IAB Note: See Exhibit "A" page 20 for further information.

[redacted]

Ms. [redacted] lives in the neighborhood [redacted] of the [redacted] exit from the [redacted] freeway. She said she heard sirens and looked toward the [redacted] off ramp where she saw a white van back into a police car and heard approximately 8 gunshots. She said she ran inside her house.

IAB Note: See Exhibit "A" page 20 for further information.

SUSPECTS STATEMENTS

Herrera, Jerry

Suspect Herrera was interviewed by IAB Sergeants David Bly and Jessica Brothers on November 21, 2009 at 2256 hours. The interview took place at East Los Angeles Station and was recorded for review.

Suspect Herrera said "some guys" were trying to kill him and he did not want to walk on the streets out of fear he would be seen. He said he saw the milk truck parked with the keys in the ignition.

IAB Note: Suspect Herrera was a recent victim of a attempt murder involving gang members and was released from the hospital on November 20, 2010.

Suspect Herrera said he stole a milk truck and was driving when he saw a Sheriff's patrol car (Deputy Yee). He said he saw the deputy follow him onto the northbound 710 freeway from Washington Blvd. He said at some point he stopped on the off ramp and placed the trick in reverse. He said he "backed up into the deputy's vehicle." He said he was not moving very quickly, but he was trying to disable the deputy's vehicle because he was trying to get away. He said he could not see the deputy's vehicle or the deputy and he did not feel the truck hit the patrol car.

Suspect Herrera said he heard popping sounds and thought a spike strip was deployed and his tires were flatten. He said, at that time, he was not aware the deputy had shot at him.

Suspect Herrera said he tried to get away and drove onto the freeway. He said deputies pursued him and several times he tried to back into deputies because he wanted to get away. He said he was "scared" he was going to be arrested.

Suspect Herrera said at one point he exited the freeway at Downey Road and stopped on the off ramp. He said he placed the truck in reverse and tried to ram patrol cars again. He said he heard popping sounds throughout the pursuit, but never knew or thought he was being shot at.

Suspect Herrera said earlier (on Friday November 20, 2009) he took a pill to help him sleep, but he became paranoid and did not want to sleep. He said he used methamphetamine to stay awake approximately 20 hours earlier (on November 21, 2009 at 0200-0300 hours), but he did sleep for a short time at approximately 1100-1200 hours.

Suspect Herrera said he did collide with a civilian vehicle. He said he did try to stop, but the brakes did not work properly.

Suspect Herrera said he suffered scrapes to his face when the officers (CHP) placed him on the ground during his arrest. He said his arm was numb from the handcuffs, but his arm was not numb during this interview. He said he saw several different police agencies at the time of his arrest and he did not know who took him into custody.

Suspect Herrera said he knew he was driving erratically and he said he wasn't thinking about anyone's safety "at all" during the pursuit.

IAB Note: For further information refer Exhibit "A" pages 69 and 70 for a supplemental report documenting Suspect Herrara's statements to ELA Detectives.